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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,884	06/25/2001	Ari Tourunen	324-010379-US(PAR)	1180
2512	7590	09/27/2005	EXAMINER MEHRA, INDER P	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			ART UNIT 2666	PAPER NUMBER

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/888,884	<b>Applicant(s)</b> TOURUNEN ET AL.	
	<b>Examiner</b> Inder P. Mehra	<b>Art Unit</b> 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 8, 11 and 16 is/are rejected.
- 7) ☒ Claim(s) 2-7, 9, 10 and 12-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to patent amendment dated: 6/06/05. Claims 1-16 are pending. Based on this amendment, claims 1-16 are amended.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Following claims have no antecedent basis:

- a. Claim 8 recites the limitation "the selected compression method" in line 10.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 8, 11 rejected under 35 U.S.C. 103(a) as being unpatentable over **Forslow** (US Patent No. 6,608,832), hereinafter, Forslow, in view of **Titmuss** (US Patent No. 6,522,883).

For claims 1, 8 11 and 16, Forslow discloses "a method of allocating data transmission

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resources (refer to “a base station controller (BSC) 34 which manages the allocation and deallocation of radio resources”, fig. 2, refer to col. 2 lines 50-55), in a packet-switched telecommunications system (51 in fig. 2) including a terminal 12 and a fixed network 35 (PSTN, refer to col. 2 lines 18-20 and lines 60-63), to which an operational entity defined for defining resources for a radio bearer (refer to “Mobile communication resources for the selected bearer and corresponding quality of service parameters may be reserved in advance for each application flow (the resource reservation approach”, refer to col. 5 line 65-col. 6 line 15), the method comprising steps of:

- defining a compression method of header fields in data packets used on the radio bearer (Refer to “the GPRS modem routes each IP packet based on its header information. The subnetwork dependence convergence protocol (SNDCP) provides segmentation and compression of headers and data between the mobile station and the SGSN in the GPRS. The SNDCP is specifically developed to carry IP packets directly thereby avoiding PPP, refer to col. 12 lines 28-34), and
- defining the radio bearer resources for the terminal on the basis of an application used by the terminal said radio bearer such manner (Refer to “Mobile communication resources for the selected bearer and corresponding quality of service parameters may be reserved (defined) in advance for each application flow (the resource reservation approach, refer to col. 6 lines 7-15), that said resources also comprise the capacity required by the selected compression method of header fields in data

packets ( Refer to “a Base Station System GPRS Protocol (BSSGP) is a flow control protocol, which allows the base station system to start and stop PDUs sent by the SGSN. This ensures that the BSS is not flooded by packets in case the radio link capacity is reduced”, refer to col. 4 lines 34-39).

Forslow does not disclose explicitly the following limitation, which is disclosed by Titmuss, as follows:

- “that said resources also comprise the capacity required by the selected compression method of header fields in data packets”, (Refer to “ technical capacities collectively available from the plurality of resources with which it is associated”, refer to col. 20 lines 35-40.

It would have been obvious to the person of ordinary skill in the art at the time of the invention to have resources comprising the capacity required by the selected compression method of header fields in data packets, as taught by Titmuss. The motivation to do so being that it provides optimization of transmission resources.

#### ***Allowable Subject Matter***

6. Claims 2-7, 9-10, and 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-16 have been considered , but they are not persuasive.

a. Applicant argues “Forsl w does not address the problem caused by using an Application based capacity allocation together with a header compression method, which requires a bi-directional connection. Forsl w neither teaches to solve the problem by defining a header compression method first and taking into account the capacity of the defined header field compression method, when defining radio bearer resources for the terminal. Thus, Forsl w does not disclose suggest least these aspects of Applicant's invention”.

In response, it is stated regarding a bi-directional connection, this limitation is not claimed in independent claims.

In further response, it is stated that Forsl w discloses Applications running on a mobile station or an external network entity such as an Internet service provider **may specify on an individual application flow basis a requested quality of service an optimal type of bearer to transfer ice. From that requested quality of service, the application flow through the mobile communications network is determined, refer to abstract.**

Alternatively, the header of each information packet in an application flow **may specify a generally recognized class of service which when read determines whether a circuit-switched bearer or a packet-switched bearer carries that packet (the differential services approach), refer to col. 6 lines 10-15.**

**The GGSN selects the optimal packet-switched or circuit-switched bearer and other**

**parameters such as coding and/or compression rates, refer to col. 16 lines 60-65.**

b. Applicant argues “Titmuss does not discuss application-based capacity allocation or defining a header field compression method by any means.

In response, it is stated that Titmuses disclose explicitly “ technical capacities collectively available from the plurality of resources with which it is associated”, refer to col. 20 lines 35-40. Applicant does not claim “application-based capacity allocation or defining a header field compression method by any means, but rather claims “said resources also comprise the capacity required by the selected compression method of header fields in data packets”.

c. Applicant argues “a prima facie case obviousness under 35 U.S.C. 5103(a) is not established and claim not unpatentable over Forsl w in view of Titmoss pursuant to 35 U.S.C. 5103(a).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Titmuses disclose explicitly “ technical capacities collectively available from the plurality of resources with which it is associated”, refer to col. 20 lines 35-40, which is combinable with limitations disclosed by Forsl w .

**In light of above explanation, arguments by applicant are not persuasive.**

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8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

#### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Inder Pal Mehra*  
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Examiner  
Art Unit 2666  
9/25/05



DANG TON  
PRIMARY EXAMINER